

REMARKS

Claims 1-4, 6-15 and 17-48 were previously pending in the present application. Claims 1, 4, 7, 13, 14, 26, 35 and 45 have been amended. Claims 6, 11, 12, 15, 17-25, 33, 34 and 48 are canceled. No claims have been added. Claims 1-4, 7-10, 13, 14, 26-32 and 35-47 remain pending. Applicant respectfully requests reconsideration and allowance of the application.

Double Patenting

Claims 1-4, 6-15 and 17-48 of the instant application are provisionally rejected as being unpatentable for obvious-type double patenting over Claims 1-46 of U.S. Patent Application No. 10/997,450. Applicant respectfully traverses the provisional rejection.

The Examiner has noted that this is a provisional rejection since the claims of the cited application have yet to issue. Applicant respectfully notes that the double patenting rejection is premature in that the claims in the cited application may not issue in their present form or may not issue before one or more claims of the present application issue. Therefore, Applicant will not take further action on this matter unless and until final claims of the cited application are issued.

Claim Rejections Under 35 U.S.C. Section 103

Claims 1-8, 11-19, 21-23, 26-28, 30-31 and 33-43 stand rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,175,856 to Riddle in view of USPN 6,525,830 to Yang in further view of USPN 6,707,948 to Cosman, et al. (hereinafter "Cosman"). Applicant respectfully traverses the rejection.

Applicant explicitly maintains the arguments included in previous responses to rejections of these claims. In particular, Applicant maintains the assertions included in the Response to the Office Action dated 09/23/2005, said response filed on 11/18/2005.

The maintained assertions include:

- (1) Riddle is non-analogous art;
- (2) A prima facie case of obviousness has not been met;
- (3) The proposed modifications render the prior art unsatisfactory for its intended purpose; and
- (4) The proposed modifications would change the principle operation of a reference.

The amendments and cancellations included in the present response are made to place the entire set of claims in proper condition for appeal or allowance. No amendment has been made herein with regard to patentability. Applicant asserts that the pending claims were patentable over the cited art in their previous condition.

Examiner's Response to Arguments

In the Response to Arguments portion of the present Office Action (date 2/27/2006), the Examiner purports to respond to Applicant's claim that there is no suggestion to combine the references. However, the Examiner has simply restated the law that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching.

Applicant notes that no suggestion to combine the references was articulated by the Examiner.

Additionally, the Examiner responds to Applicant's argument that Riddle fails to teach "indication of classification" by stating that it is taught in column 9, lines 54-57 of Riddle ("teaches a list of capabilities that includes an indication of whether a process has available the H.261 codec, the RPZA codec, or the JPEG codec.") The Examiner states that "These different types of codecs are interpreted as 'indication of classification.'"

Applicant disagrees with this interpretation.

Claim 2 (the claim in question) recites the "data structure containing an indication of a classification of the compressed data file format". This is not the same as a process announcing which versions of a data format it supports. This claim specifically requires that a data structure include in indication that identifies a classification of a compressed data file format in which an associated file is formatted.

To obviate this element, the excerpt in Riddle would have to identify a format of an associated file. However, this excerpt only states that Riddle indicates what file formats can be accepted by an application. This is clearly different than what is required according to claim 2.

With regard to claim 3, no new information is added to the previous rejection. The rejection is merely succinctly restated.

With regard to claim 4, the Examiner indicates that it is well known in the art of computer programming that in order to pass a file to another device, there **must** be a reference or a pointer included in the file packet that instructs the device what to do with the file. (Emphasis added). This is not necessarily so. In at least one other instance, the file itself can be passed to the device instead of a pointer or a reference.

With regard to claim 10, the rejection is merely restated and no particular response to the argument is set forth.

There are no further responses to Applicant's previous arguments.

CONCLUSION

It is submitted that the claims are patentably distinct over the cited references and that all the rejections to the claims have been overcome. Reconsideration of the above Application is requested. Based on the foregoing, Applicants respectfully requests that the pending claims be allowed, and that a timely Notice of Allowance be issued in this case. If the Examiner believes, after this response, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

PATENT

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,

Microsoft Corporation

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Microsoft Corporation
One Microsoft Way
Redmond, WA 98052-6399

By: 

James R. Banowsky, Reg. No.: 37,773
Attorney for Applicant
Direct telephone (425) 705-3539

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

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August 28, 2006

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